

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1512 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No

KANBI GOVIND HIRA

Versus

DISTRICT PANCHAYAT

Appearance:

MR MC BHATT for Petitioner
MR. PV HATHI for Respondents No. 1,2, 3
MR SP DAVE, AGP for Respondent No. 4

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 26/02/97

ORAL JUDGEMENT

1. Rule. Learned counsel Mr. P.V. Hathi waives service of rule for the respondents No. 1, 2 and 3. Learned Government counsel Mr. S.P. Dave waives service of rule for the respondent No.4. Without referring to certain past events, it shall have to be pointed out that

there is an application submitted by the petitioner to the respondents No. 1, 2 and 3 dated January 15, 1997 asking for the non-agricultural use permission. The grievance is that said application is not being decided and that as it occurred in the past, it may be returned on certain flimsy grounds. But, this apprehension does not appear to be sustainable in view of the affidavit being filed by the respondents No. 1, 2 and 3 through the learned Counsel. There has been a specific averment in para 11 of this affidavit-in-reply that the said application for the N.A. use permission of the petitioner has been acknowledged by the District Panchayat on January 15, 1997 and that the statutory period of 90 days would expire only on 14th April, 1997.

2. In fact, from the affidavit it appears that the said application is pending before the concerned panchayat and it is required to be decided within a period of 90 days from the date of the acknowledgment.

3. Mr. Hathi makes a statement that the said application shall be decided on merits within the stipulated time frame.

4. In this fact situation, the rule requires to be made absolute by saying that the said application of the petitioner shall be decided within the said time frame i.e. on or before 14th April, 1997 by the respondents concerned and shall not be returned on any count whatsoever. The orders of granting the permission or the refusal thereof should be the reasoned orders. Rule is made absolute accordingly with no order as to costs. Direct Service is permitted.

5. The learned counsel for the parties have not addressed me on other contentions and counter contentions regarding the petition.
